

**MINUTES FOR THE
MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES**

DATE: FRIDAY, MAY 14, 2004
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

Chairperson Peter Young called the meeting of the Board of Land and Natural Resources to order at 9:08 a.m. The following were in attendance:

MEMBERS

Mr. Peter Young	Ms. Lynn McCrory
Mr. Timothy Johns (arrived at 10:05 a.m.)	Ms. Kathryn Inouye
Mr. Ted Yamamura	Mr. Gerald DeMello
Mr. Toby Martyn (arrived 9:56 a.m.)	

STAFF

Ms. Dede Mamiya, Land Division	Mr. Sam Lemmo, OCCL
Mr. Randy Awo, DOCARE	Mr. Dan Davidson, Deputy
Mr. Steve Thompson, DOBOR	Mr. Steve Molman, DOBOR
Mr. Paul Conroy, DOFAW	Mr. Dan Quinn, State Parks
Ms. Martha Yent, State Parks	Mr. Andrew Monden, Engineering

OTHERS

Ms. Yvonne Izu, Deputy Attorney General	
Mr. Edward Bendet, D-13	Mr. Max Graham, D-6
Mr. Richard Howard, D-4	Ms. Renee Ah Choy, D-9
Ms. Sheree Steward, K-4	Mr. Brian Yerland, D-12
Mr. Mark Nickerson, D-12	Mr. Richard Lomas, D-12
Ms. Carol Hall, D-12	Mr. Mikehe Clamay, D-12
Ms. Lori Mikkelsen, K-2	Mr. William Chandler, K-1

{Note: language for deletion is [bracketed], new/added is underlined}

Item A-1: Minutes of April 23, 2004

Unanimously approved as submitted (McCrory/Inouye).

Item D-13: Consent to Assign Grant of Non-Exclusive Easement [LOD No. S-28093], Jeffrey W. Wittman and Deborah K. Wittman, husband and wife, and Jean Wittman, widow, as Assignor, to Christine Louise Perry, as Assignee, Honopou, Makawao, Maui, TMK: (2) 2-9-003: pors. 016, 017, 020 & 039.

Dede Mamiya Administrator of the Land Division pointed out the current owners are in the process of selling the subject property and have requested to assign their access rights to the subject property to Christine Louise Perry. She noted there was a misprint in staff's submittal and it should read that the Whitman's have current liability insurance. Ms. Mamiya recommended the Board consent to the assignment of Grant of Non-Exclusive Easement to Christine Louise Perry.

Edward Bendet was present.

Unanimously approved as submitted (Yamamura/DeMello).

Item D-6: Authorization to Subordinate Mining Rights Over Wetland Easement on Lands Owned by The Bette Midler Family Trust in Kapaa, Kauai, Hawaii, TMK: (4) 4-3-10: portion 2 and 3.

In January 2004, staff came to the Board to seek authorization to conduct a public hearing on the right to subordinate the State's right to mine and extract minerals from the subject property to allow for the restoration of the wetlands. Ms. Mamiya gave a brief background into the previous Board action. On April 15, 2004, the public hearing was held in Lihue. There were no significant concerns expressed at the public hearing, except one testifier believed the State did not have the right to subordinate the mining rights. Several questions regarding the operational aspects of the wetland restoration were asked and answered. Based on the testimony of this public hearing, Ms. Mamiya finds that the protection of the wetland through the prohibition of mining is of greater benefit to the State than mining. Also after consultation with a State geologist it was made known that there are no minerals worth mining on the subject property. Ms. Mamiya indicated the restoration project will provide habitat to recover endangered water birds, including the Hawaiian Goose, Hawaiian Stilt, Hawaiian Coot, Koloa Duck and Nene. Ms. Mamiya recommended the Board authorize the issuance of quitclaim deed to The Bette Midler Family Trust subordinating the State's right to mine the subject property.

Max Graham representing the Bette Midler Family Trust informed the Board with regards to staff recommendation 3), the Trust is planning at least one public informational meeting prior to the implementation of the restoration project to discuss the plans with the community. As far as inserting this language into the Natural Resources Conservation Service of the Department of Agriculture (NRCS) warrant easement deed, he feels this is not possible.

The Board amended Recommendation 3) as follows:

- “3. Within the quite claim there shall be [~~The easement with NRCS shall contain~~] a provision to ensure consultation with the surrounding community on the wetland restoration project;”**

Unanimously approved as amended (McCrory/Inouye).

Item D-4: Issuance of Revocable Permit to West Maui Center LLC, Lahaina Town, Lahaina, Maui, TMK: (2) 4-5-007:007 (Por.).

Ms. Mamiya communicated the subject parcel although located fronting Honoapiilani Highway is landlocked since no vehicular access is permitted from the highway. To resolve this issue in the future staff will be looking at obtaining an access easement or possible conveyance to the adjacent landowner. Ms. Mamiya recommended the Board authorize the issuance of a revocable permit to West Maui Center LLC covering the subject area for landscaping and maintenance purposes.

Richard Howard was present.

Unanimously approved as submitted (Yamamura/Inouye).

Item D-9: Consent to Assign of Grant of Easement Identified by General Lease No. S-4558, Harry Fong and Gertrude Fong, Assignors, to Sheldon J. Poaha, Kealakekua, Kravis & Louis, LLC, Assignee, Hauula, Koolauloa, Oahu, TMK: 5-4-07:63.

Ms. Mamiya indicated the current lessee Harry and Gertrude Fong is in the process of selling the subject property and requested the easement be assigned to Sheldon J. Poaha, Kealakekua, Kravis & Louis LLC. Currently, Mr. Fong is in compliance with the terms and conditions of the easement documents except the liability insurance. Ms. Mamiya recommended the Board consent to the assignment to Grant of Easement identified by General Lease No. S-4558.

Renee Ah Choy of Coldwell Banker Pacific Properties was available to answer questions.

Unanimously approved as submitted (Inouye/McCrory).

Item K-4: Request to Extend the Processing Period for an Additional 30-days for Conservation District Use Application KA-3142 for the Ben-Dor Single Family Residence (SFR).

Sam Lemmo Administrator for the Office of Conservation and Coastal Lands made it known the agent for the applicant previously appeared before the Board and requested a contested case hearing because she did not agree with the conditions recommended. Hearings on this matter have been held and there is a proposed findings of fact being developed. However the findings will not be available before the 180-day expiration period therefore the applicant is

asking for a 30-day extension. Mr. Lemmo recommended the Board extend the processing period for CDUA KA-3142B an additional 30-days.

Sheree Stewart of Cades Schutte was present to represent the applicant. Ms. Stewart informed the Board they are in the process of finalizing the decision of the hearings officer.

Unanimously approved as submitted (McCrory/DeMello).

Item D-12: Approval to Restrict Commercial Activity on Unencumbered Lands at Keoneoio (La Perouse Bay), Makawao, Maui, TMK: (2) 2-1-04:75, 110 and 111.

Ms. Mamiya gave the Board some background information on what has been happening at Keoneoio. On April 5, 2004 the NARS Commission rejected a conceptual proposal to allow commercial kayaking within Ahihi-Kinau. This decision effectively confirmed there would be no commercial activity within Ahihi-Kinau. The Commission made it clear that immediate enforcement of the commercial activity prohibition was expected. Ms. Mamiya went on to explain that in anticipation of this prohibition the Chairperson approved the immediate closure of adjacent Keone'o'io. Staff felt the closure of Ahihi-Kinau to commercial activities would present dangerous conditions to the kayakers who would try to provide tours in the adjacent Keone'o'io area. The wind currents in this area make launching and landing difficult and unsafe. On April 17, 2004 the Division of Conservation and Resource Enforcement (DOCARE) began enforcing the closure of Ahihi-Kinau and Keone'o'io. Currently only one kayak company continues to use Keone'o'io for kayak tours. Ms. Mamiya recommended the Board reconfirm the Chairperson's decision to close Keone'o'io to all commercial activity.

Randy Awo Maui Branch Chief of DOCARE made it known DOCARE is investigating the one company, which has continued operation at Keone'o'io. They have determined there are a couple of violations they would like to bring before the Board in about two weeks. At that time provided the Board agrees with DOCARE's recommendation immediate action would be taken against that particular kayak company. Mr. Awo also stated a Cease and Desist Order was served on the kayak company. With regards to the ban on commercial activity, DOCARE has received a lot of positive feedback in favor of this closure. Mr. Awo went on to describe rescue situations due to the ocean conditions in the area.

Brian Yesland representing the Kayak association on Maui and owner of a kayak company came forward to testify. He asked that the subject area be opened to commercial activity. He feels the decision made by the department to close the area was not made on a factual basis and is discriminatory. If the area is closed to commercial activity it should also be closed to the public. With regards to some of the rescue situations mentioned by Mr. Awo, he noted the rescues did not take place in La Perouse Bay but on the other side of Ahihi-Kinau peninsula. Mr. Yesland went on to read from the NARS draft proposal on Keone'o'io with regards to the count of people using the area. He pointed out of all the people using the area the kayakers make up less than 7% of the people. Lastly, Mr. Yesland indicated the Department has pointed out limited commercial activity in the area can provide some benefits. He also

mentioned the proposal to set aside Lots 110 and 111 to State Parks who would then use the area for concession of kayak activities. In closing Mr. Yesland made it known NARS voted against the draft proposal for Keone'o'io not against commercial activity.

Mark Nickerson private owner of a kayak tour company and a member of the kayak association provided oral testimony. He made it known individuals can go to Kihei to rent kayaks then drive to La Perouse to kayak without any problems. He pointed out other commercial activities continue to take place in the subject area. Activities such as boating, scuba diving and horseback riding are on going activities in the subject area therefore Mr. Nickerson feels commercial kayak tours are being singled out. Mr. Nickerson asked the Board not to close the subject area to commercial activity. If the area is closed to commercial activity then it should be closed to the public as well.

Richard Lomas a member of the kayak association and owner of Maui Eco Tours read from his written testimony. He spoke of a program whereby the visitors would be educated on the importance, fragility and beauty of the reef environment surrounding Maui. He told the Board his association supports the regulation of commercial operations in La Persouse Bay but opposes an outright ban on all commercial activities. He feels there is no credible evidence that guided tours have any negative impact on biodiversity, or that they result in the release of any known mutagenic, carcinogenic or toxic substances into the nature preserve. In contrast after extensive research Mr. Lomas has found that kayak tours have consistently been found to be compatible with wilderness areas. In summary Mr. Lomas stated a complete ban on commercial tour operators is completely unwarranted and unwisely eliminates the one group of users that is not only but a fraction of the total usage, but that is in fact in the best position to act responsibly and to protect the sensitive areas.

Carol Hall a member of Aloha Kayak Association (non-profit organization), Maui Kayak and a member of the Keone'o'io Advisory Group came forward to provide testimony. Ms. Hall asked the Board to keep the area closed because she feels the kayak community has no regard for the environment. She pointed out there are other areas where the kayak operators can conduct tours on the island. She noted her organization is willing to donate a gate to be set up at the entrance of this area. Ms. Hall feels the area should be closed until the State can come up with a plan for the area.

Mikehe Clamay cofounder of Aloha Kayak came forward to testify. Mr. Clamay feels in terms of enforcement a lot needs to be done. He feels the public needs to be educated on the safety issue in that area. He told the Board if the area is closed to kayakers it should be closed to everyone.

Dan Davidson Deputy Director for the Department and member of the Keone'o'io advisory group testified. Mr. Davidson told the Board when looking at the area their group viewed Keone'o'io and Ahihi-Kinai as one area. He believes we should give the area some time to rest while we figure out what to do. He let the Board know the advisory group, which is made up of representatives from the two kayak hui's, tourism representatives, community members and native Hawaiians are collectively looking at a equitable and fair solution to this problem. With regards to enforcement of the area they are working at getting funding for a ranger. Addressing the concern that kayakers are being targeted, Mr. Davidson explained any

organized commercial use of the area would fall within the ban. He also disclosed the Hawaii Tourism Authority would provide funding to place buoys in the water to indicate the NARS area.

Motion made by Member McCrory at 10:00 am and second by Member Inouye to move into Executive Session to discuss commercial activity in NARS and prohibition of activities and the issue of one kayak operator operating in the area.

Motion to Move into Executive Session.

Unanimously approved to move into Executive Session (McCrory/Inouye).

The meeting was reconvened at 10:28 a.m.

Unanimously approved as submitted (Yamamura/McCrory).

Item K-2: Conservation District Enforcement File No. HA-03-45 Regarding Unauthorized Clearing of Land, Unauthorized Construction of a Rock Wall and Unauthorized Construction of a Rock Foot Path by Carlos Parisi, Honomu, South Hilo, Hawaii, TMK: (3) 2-8-013:010.

Mr. Lemmo passed out a confidential DOCARE report of this incident to the Board. He communicated Mr. Parisi built a 650 feet long rock wall and footpath along the shoreline portion of the parcel. Some clearing took place on the parcel. Since the time the violation was confirmed, Mr. Parisi has since removed the footpath but the rock wall still remains. Mr. Lemmo recommended the Board find the landowner in violation of Chapter 183C HRS and Chapter 13-5, Hawaii Administrative Rules and is subject to the conditions listed in staff's submittal.

Lori Mikkelsen representing the landowner Carlos Parisi testified. Ms. Mikkelsen confirmed the rock wall was constructed on conservation land and provided a map showing the placement of the wall. She informed the Board the Maui County Planning Department feels the construction of the rock wall is good and can in the future prevent vehicles from going over the edge. Ms. Mikkelsen acknowledges the construction of the wall is a violation but questions the violation for clearing.

The Board amended Recommendation 5) as follows:

“5. That in the event of failure of the alleged to comply with any order herein, the alleged shall be fined an additional \$2000 per day from the date of this Board action until the order is complied with;”

Unanimously approved as amended (DeMello/Johns).

Item K-1: Request to Extend the Processing Period to Allow William and Joyce Chandler Sufficient Time to Complete a Land Restoration Plan, Kaneohe, Oahu, TMK: (1) 4-4-017:111 and (1) 4-4-017:112.

Mr. Lemmo reminded the Board Mr. Chandler previously appeared before the Board on a violation issue. The outcome of the proceedings resulted in Mr. Chandler having to submit a remediation plan to restore the hillside to its original condition. At present a remediation plan was submitted and approved by staff but due to weather conditions Mr. Chandler has been unable to implement the plan. On the last day of the previous extension period Mr. Chandler requested another extension. Mr. Lemmo recommended the Board approve the request to extend the processing period an additional sixty (60) days to allow sufficient time to complete the land restoration plan.

William Chandler the landowner came forward to testify. He indicated the recent rains have hampered his efforts in completing the remediation plan. He confirmed as soon as conditions improve he is able to move ahead with the plan. Due to the concrete strike and the construction work, Mr. Chandler asked the Board for a longer time extension.

The Board amended the Recommendation as follows:

“That the Board of Land and Natural Resources approve this request to extend the processing period an additional [~~sixty (60)~~] ninety (90) days (to [~~July~~] August 14, 2004) to allow sufficient time to complete the land restoration plan. Should the applicant not be able to comply with the [~~sixty (60)~~] ninety (90) day extension period, the applicant shall submit a time extension request by [~~June~~] July 29, 2004 (to be placed on the BLNR’s July 9, 2004 agenda). If the applicant misses the deadline, the applicant shall be fined \$2000 per day from August 15, 2004, for not complying with the BLNR’s terms and conditions.”

Unanimously approved as amended (Inouye/McCrory).

Item K-3: After-the-Fact Rock Wall, by August and Veronica Monge, at Hauula, Koolauloa, Oahu, TMK: (1) 5-4-003:035.

Mr. Lemmo communicated the problem with this case is the City and County of Honolulu is requiring the landowners to prepare an environmental assessment (EA) after staff stated the action was exempt from and EA. Because the landowner is in the process of completing an EA for the City Mr. Lemmo is recommending the Board deny this application without prejudice for the After the Fact Rock Wall.

Unanimously approved as submitted (Inouye/Johns).

Item J-2: Cancellation of Revocable Permit B-93-39 to Ala Wai Marine, Ltd., located at the Ala Wai Small Boat Harbor, Island of Oahu, TMK: (1) 2-6-10:09; Issuance of Revocable Permit by competitive proposal for the same premises currently occupied by Ala Wai Marine, Ltd., for the operation of a marine repair facility.

Steve Thompson Acting Administrator for the Division of Boating and Ocean Recreation (DOBOR) and Steve Molmen Property Manager appeared before the Board. Mr. Thompson announced that staff has received additional information this morning on this item and asked to move into executive session.

Member McCrory made a motion at 11:05 am and second by Member Inouye to move into Executive Session to discuss with the attorney general legal issues pertaining to this item.

Motion to Move into Executive Session

Unanimously approved to move into Executive Session (McCrory/Inouye).

The meeting reconvened at 11:28 am

The Board asked staff to consult with the Deputy Attorney General on the various issues discussed. Staff was asked to look at the long term disposition of this lease.

Motion to Defer

Unanimously approved to Defer (Inouye/McCrory).

Item J-1: Issuance of Revocable Permit for a haul out facility to Nawiliwili Yacht Club, a Hawaii non-profit corporation, located at the Nawiliwili Small Boat Harbor, Island of Kauai, TMK: (4) 3-2-03:043 (portion).

Mr. Thompson indicated the subject area is in the harbor and away from the boat ramp. The area will be used for storage of boats during the repair process. He also make it known the Legislature passed a resolution requesting the Department secure a space for the commercial haul out of boats for safety, compliance inspections and economic development. Mr. Thompson recommended the Board approve the issuance of a Revocable Permit to Nawiliwili Yacht Club for a haul out facility.

The Board made the following change under “Land Title Status:”

OHA 20% entitlement lands pursuant to the Hawaii State Constitution:

YES X NO

Unanimously approved as amended (McCrory/Inouye).

Item D-11: Extension of Term, Grant of Easement No. S-5124 to A.D. Furtado Properties Lahaina, LLC for Maintenance and Use of Existing Improvements Purposes, Submerged Lands at Front Street, Lahaina Town, Lahaina Maui, TMK: (2) 4-6-001:029.

Ms. Mamiya briefed the Board and noted that no objections were received on this item. Ms. Mamiya recommended the Board authorize the issuance of a amendment to Grant of Easement No. S-5124 to extend the term to July 10, 2040 under the terms and conditions listed in the submittal.

Unanimously approved as submitted (Yamamura/Johns).

Item D-7: Sale of Land License at Public Auction for Removal of Sand from Kawaiele Wild Bird Sanctuary, Covered by Executive Order No. S-3685 Kawaiele, Mana, Waimea, Kauai, TMK: (4) 1-2-02: por. 01.

The Board made the following changes:

1) Delete Recommendation 1 and renumber

2) Add the following language to the Recommendation Section:

“1.D. The Licensee shall meet with the Division of Forestry and Wildlife (DOFAW) in advance of any removal of material to discuss removal plans and safety requirements. The removal shall be under the supervision of DOFAW and conform to bottom contours provided by DOFAW and shall take place only in areas so designated by DOFAW.

“1.E. The licensee shall, after having the License Area designated, give DOFAW at least 48 hours prior notice before removing material and at least 48 hours prior notice before leaving the License Area when the allotted cubic yards are removed.”

Unanimously approved as amended (McCrory/Inouye).

Item D-1: Declaration of Intent Regarding Future Use of Land Under General Lease No. S-4920, Hamakua Associates of Farmers. Honokaa, Hamakua, Hawaii, TMK: (3) 4-5-01:012.

Item D-2: Declaration of Intent Regarding Future Use of Land Under General Lease No. S-4639, Thomas Kasecky, Kaapahu, Hamakua, Hawaii, TMK: (3) 4-4-11:033.

Item D-3: Grant of Term, Non-Exclusive Easement for Existing Shoreline Encroachment to the Association of Apartment Owners of the Mahina Surf, Mahinahina, Kaanapali, Lahaina, Maui, TMK: (2) 4-3-009:005 Seaward.

Item D-5: Amend Prior Board Action of May 8, 1998, under Agenda Item D-16, for Issuance of Governor’s Executive Order (GEO) to Cancel GEO No. 1432 and Reset Aside along with Additional Unencumbered Land to the Department of Accounting and General Services, State of Hawaii for Government Buildings and Facilities at Honolulu, Oahu, TMK: 2-1-18:46 & 47.

Item D-8: Authorization of Bill of Sale to the City and County of Honolulu for Waianae Multi-Service Center, Waianae, Oahu, TMK: (1) 8-5-028:040.

Item D-10: Rescind Board's Forfeiture of Revocable Permit No. S-6933, Beatrice Kekahuna, Permittee, Honopou, Hamakualoa, Makawao, TMK: (2) 2-9-001:018.

Unanimously approved as submitted (Johns/Yamamura).

Item C-1: Request For approval to Enter into a 2-Year Contract with the Zoological Society of San Diego to Provide Services to Operate Endangered Bird Captive Propagation Facilities on Maui, and Conduct Related Forest Bird Propagation Projects Throughout the State.

Paul Conroy Acting Administrator for the Division of Forestry and Wildlife indicated the division is happy with the performance done by the Zoological Society of San Diego. Mr. Conroy went on to give background information on this program. He also made it known since 2000 the State has had a contract with the Zoological Society of San Diego. Mr. Conroy recommended the Board authorize the Chairperson to negotiate and execute a Contract for Services for two years in the amount of \$700,000 with the Zoological Society of San Diego subject to the conditions listed in the submittal.

Unanimously approved as submitted (Johns/DeMello).

Item C-2: Delegation of Authority for Approval of Contracts to the Chairperson.

Mr. Conroy came before the Board and explained the contract process. He let it be known the process involves multiple reviews and an approval process, including the preparation of an Environmental Assessment for large projects. In this request Mr. Conroy mentioned the majority of these contracts are routine purchases (equipment, consulting, professional services, supplies, repairs and maintenance) therefore he feels by authorizing the Chairperson to review and approve these contracts at the Department level it will increase the efficiency and speed of the procurement process. Mr. Conroy recommended the Board delegate authority to the Chairperson as its authorized representative, to approve and sign Department contracts after certification of availability of funding and review and approval as to form by the Attorney General.

The Board had some concerns with regards to complying with the rules of Chapter 171 if the authority was delegate to someone else other than the Board. They also made it known the submittal brought to the Board by the various divisions is an indication of where the division's are focusing their efforts on.

Ms. Mamiya clarified the authority given to the Chairperson would be for the expenditure of funds and not for the disposition of land.

The Board asked staff to inform them on the different processes they go through for approval of contracts and at that point the Board will develop a policy on which contract they could delegate authority to the Chairperson.

Motion to Defer

Unanimously approved to Defer (Johns/Yamamura).

**Item E-1: Forfeiture of General Lease No. S-5283, Lot A-13, TMK: 5-2-02:32
Ahupuaa O Kahana State Park, Oahu.**

Dan Quinn Administrator for State Parks reminded the board residents in Kahana Valley were given a long-term lease for land in the valley provided they participate in the interpretive program (donating 25 hours per month). Mr. Quinn made in known a certified letter that included this Board submittal was sent to Ms. Barruga but was not picked up. He also went on to say Ms. Barruga was aware of the dispute resolution process and the steps taken by the division. Mr. Quinn informed the Board Ms. Barruga is 964 hours in arrears. Ms. Barruga asked State Parks for the opportunity to transfer her lease to a family member. The division gave her until March 17 to provide documentation that the family member would be able to construct a new house within one year and be willing to assume the default of interpretive hours. As of today no name was submitted to staff. Mr. Quinn recommended the Board authorize the forfeiture of General Lease No. S-5283, retention of all sums paid, termination of all rights and obligations, removal of the lessee, lessee's family and property and collection of all monies due the state.

Unanimously approved as submitted (Inouye/McCrory).

Item E-2: Request from the Good News Jail and Prison Ministry to use the Large Pavilion at the Wailoa River State Recreation Area in Hilo, Hawaii, for a fundraiser Luau.

Mr. Quinn indicated the Good News Jail and Prison Ministry is requesting the use of the large pavilion at the Wailoa River State Recreation Area to hold a fundraising luau. They are also asking to be able to sell tickets and accept donations at the door. Ms. Quinn recommended the Board approve the issuance of a Special Use Permit to the Good News Jail and Prison Ministry to hold their "Ministry Fundraiser 2004 Luau" a the large pavilion at the Wailoa River State Recreation Area.

The Board amended the Recommendation to add

"14. Allow the sale of tickets and acceptance of donations at the event."

Unanimously approved as amended (DeMello/Johns).

Item L-1: List of Low Bidders for ADA Projects Under \$100,000.00.

No Action.

Item L-2: Approval for Award of Construction Contract – Job No. J00CB76A, Haleiwa Small Boat Harbor, ADA Barrier Removal Projects for Various Boating Facilities in North and Central Each Oahu, Honolulu, Hawaii.

The Board amended the title of the submittal to read

“Approval for Award of Construction Contract – Job No. J00CB76A, Haleiwa Small Boat Harbor, ADA Barrier Removal Projects for Various Boating Facilities in North and Central [~~Eaeh~~] East Oahu, Honolulu, Hawaii.”

Unanimously approved as amended (Johns/Martyn).

Item L-3: Approval for Award of Construction Contract – Job No. J00CB78A, Heeia Kea Small Boar Harbor, ADA Barrier Removal Project Honolulu, Hawaii.

The Board amended the name of the fist bidder to read:

“BCP Construction of Hawaii, [~~Ltd.~~] Inc.”

Unanimously approved as amended (Johns/Martyn).

Item L-4: Approval of Construction Contract – Job No. J00CB72A, Keehi Small Boat Harbor, ADA Barrier Removal Projects for Various Boating Facilities in North and Central Each Oahu, Honolulu, Hawaii.

The Board amended the Title of the submittal to read:

“Approval of Construction Contract – Job No. J00CB72A, Keehi Small Boat Harbor, ADA Barrier Removal Projects for Various Boating Facilities in North and Center [~~Eaeh~~] East Oahu, Honolulu, Hawaii”

Unanimously approved as amended (Johns/Martyn).

Item L-5: Approval for Award of Construction Contract – Job No. G55CO18B, Waimalu Deep Monitor Well, Waimalu, Oahu.

Unanimously approved as submitted (Johns/Martyn).

Item L-6: Approval for Award of Construction Contract – Job No. G55CO18A, Pearl Harbor (Ewa-Kunia Mauka 2) Deep Monitor Well, Kunia, Oahu.

Unanimously approved as submitted (Johns/Martyn).

Item L-7: Authorization to Enter Into an Inter-Governmental Agreement Between the State of Hawaii and the Maui County, Department of Water Supply,

**Regarding the State of Hawaii's Participation in the Development of the
Camp Maluhia Site No. 1 Well.**

The Board amended the Recommendation Section to read:

“That the Board authorize the Chairperson to sign the Inter-Governmental Agreement to participate in the development of the Camp Maluhia Site No. 1 Well development and other necessary documents pertaining to the project, subject to the Deputy Attorney General's approval as to form and the Governor's release of funds to enter into the Inter-Governmental Agreement.”

Unanimously approved as amended (Johns/Martyn).

Item L-8: Certification of Election and Appointment of East Kauai Soil and Water Conservation District Directors.

Unanimously approved as submitted (Johns/Martyn).

There being no further business, Chairperson Young adjourned the meeting at 12:09 p.m. Tapes of the meeting and all written testimony submitted at the meeting is filed in the Chairperson's Office and is available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,

Terry Crowell

Approved for submittal:

PETER T. YOUNG
Chairperson
Department of Land and Natural Resources